

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2690

Introduced by Assembly Member Mullin
(Principal coauthor: Senator Hill)

February 21, 2014

~~An act to amend Section 66509 of the Government Code, relating to transportation planning.~~ *An act to amend Section 23550.5 of the Vehicle Code, relating to crimes.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2690, as amended, Mullin. ~~Regional transportation plan.~~ *Driving under the influence.*

Existing law makes it a crime to operate a vehicle while under the influence of alcohol or drugs, and sets forth the penalties for a violation of these provisions. Existing law provides that a person who is guilty of driving under the influence or driving under the influence causing injury, is subject to enhanced penalties if the current offense occurred within 10 years of a prior conviction that was punished as a felony for driving under the influence, driving under the influence causing injury, or vehicular manslaughter with gross negligence.

This bill would instead authorize those enhanced penalties for a current conviction for driving under the influence or driving under the influence causing injury that occurs within 10 years of a separate conviction that was punished as a felony for driving under the influence, driving under the influence causing injury, or vehicular manslaughter with gross negligence.

By changing the scope of penalties for existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law creates the Metropolitan Transportation Commission as the transportation planning agency for the 9-county Bay Area, with various transportation planning and programming responsibilities. Existing law requires each transportation planning agency to develop and adopt a regional transportation plan. Existing law requires the commission, when developing the regional transportation plan for the Bay Area region, to consider various matters as well as the plans of other agencies.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.
State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 23550.5 of the Vehicle Code is amended*
2 *to read:*

3 23550.5. (a) A person is guilty of a public offense, punishable
4 by imprisonment in the state prison or confinement in a county
5 jail for not more than one year and by a fine of not less than three
6 hundred ninety dollars (\$390) nor more than one thousand dollars
7 (\$1,000) if that person is convicted of a violation of Section 23152
8 or 23153, and the offense occurred within 10 years of any of the
9 following:

10 (1) A ~~prior~~ *separate* violation of Section 23152 that was
11 punished as a felony under Section 23550 or this section, or both,
12 or under former Section 23175 or former Section 23175.5, or both.

13 (2) A ~~prior~~ *separate* violation of Section 23153 that was
14 punished as a felony.

15 (3) A ~~prior~~ *separate* violation of paragraph (1) of subdivision
16 (c) of Section 192 of the Penal Code that was punished as a felony.

17 (b) Each person who, having previously been convicted of a
18 violation of subdivision (a) of Section 191.5 of the Penal Code, a
19 felony violation of subdivision (b) of Section 191.5, or a violation
20 of subdivision (a) of Section 192.5 of the Penal Code, is

1 subsequently convicted of a violation of Section 23152 or 23153
2 is guilty of a public offense punishable by imprisonment in the
3 state prison or confinement in a county jail for not more than one
4 year and by a fine of not less than three hundred ninety dollars
5 (\$390) nor more than one thousand dollars (\$1,000).

6 (c) The privilege to operate a motor vehicle of a person
7 convicted of a violation that is punishable under subdivision (a)
8 or (b) shall be revoked by the department ~~under~~ pursuant to
9 paragraph (7) of subdivision (a) of Section 13352, unless paragraph
10 (6) of subdivision (a) of Section 13352 is also applicable, in which
11 case the privilege shall be revoked under that provision. The court
12 shall require the person to surrender the driver's license to the
13 court in accordance with Section 13550.

14 (d) A person convicted of a violation of Section 23152 or 23153
15 that is punishable under this section shall be designated as a
16 habitual traffic offender for a period of three years, subsequent to
17 the conviction. The person shall be advised of this designation
18 under subdivision (b) of Section 13350.

19 *SEC. 2. No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution because*
21 *the only costs that may be incurred by a local agency or school*
22 *district will be incurred because this act creates a new crime or*
23 *infraction, eliminates a crime or infraction, or changes the penalty*
24 *for a crime or infraction, within the meaning of Section 17556 of*
25 *the Government Code, or changes the definition of a crime within*
26 *the meaning of Section 6 of Article XIII B of the California*
27 *Constitution.*

28 ~~SECTION 1. Section 66509 of the Government Code is~~
29 ~~amended to read:~~

30 ~~66509. In developing the regional transportation plan, the~~
31 ~~commission shall consider:~~

32 ~~(a) The plan recommended by the Bay Area Transportation~~
33 ~~Study Commission, with modifications as recommended by the~~
34 ~~Regional Transportation Planning Committee.~~

35 ~~(b) The ecological, economic, and social impact of existing and~~
36 ~~future regional transportation systems upon various facets of the~~
37 ~~region, including, but not limited to, housing, employment,~~
38 ~~recreation, environmental quality, land-use policies, and the~~
39 ~~economically disadvantaged.~~

1 ~~(e) The regional plans prepared and adopted by organizations~~
2 ~~concerned with policies and programs designed to meet the near-~~
3 ~~and long-term planning needs of the region. That consideration by~~
4 ~~the commission shall include, but not be limited to, plans prepared~~
5 ~~and adopted by the Association of Bay Area Governments, the~~
6 ~~San Francisco Bay Conservation and Development Commission,~~
7 ~~and the state Office of Planning and Research.~~

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